

RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION #33-09

Collingswood Borough, Camden County

WHEREAS, on December 30, 2008, Collingswood Borough, Camden County, petitioned the Council on Affordable Housing (COAH) for substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation; and

WHEREAS, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:96-3.5, on April 13, 2009, the Borough published notice of its petition in the Courier Post, which is a newspaper of general circulation within the county; and

WHEREAS, no objections to the plan were received by COAH during the 45-day objection period, which ended June 8, 2009; and

WHEREAS, the Borough's fair share plan addresses a total 1987-2018 affordable housing obligation of 150 units, consisting of a 105-unit rehabilitation share, a zero-unit prior round obligation and a 45-unit projected growth share obligation pursuant to N.J.A.C. 5:97; and

WHEREAS, COAH staff has reviewed the Borough's Housing Element and Fair Share Plan, which is incorporated by reference herein; and

WHEREAS, the Borough proposes to address its 105-unit rehabilitation share with 39 rehabilitation credits and a rehabilitation program for 66 units; and

WHEREAS, Collingswood proposes to address its 45-unit projected growth share obligation with two credits for built units, 33 credits for proposed units and 10 bonuses from the following developments: two credits from the HEO, Inc. family sale development completed in 2008; and 33 units and 10 redevelopment bonuses from the Collingswood Transit Village Redevelopment Plan; and

WHEREAS, pursuant to N.J.A.C. 5:97-3.2(a)4, Collingswood has provided an implementation schedule that demonstrates a realistic opportunity for the creation of 33 units through redevelopment and sets forth a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.7; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, on August 25, 2009, COAH issued a Compliance Report (attached as Exhibit B and incorporated by reference herein) recommending approval of the Borough's petition for third round substantive certification; and

WHEREAS, there was a 14-day period to submit comments to the COAH Compliance Report pursuant to N.J.A.C. 5:96-6.2(b) and COAH received no comments during this timeframe; and

WHEREAS, Collingswood has stated that it does not anticipate collecting any non-residential fees over the course of the third round due to the fact that all projected development is planned for the Collingswood Transit Village redevelopment area, which areas are exempt from non-residential fees pursuant to P.L. 2008, c.46; and

WHEREAS, because no fees are anticipated, Collingswood does not require COAH approval of the Borough's spending plan; however in the event Collingswood does collect fees, the Borough must obtain COAH approval of a spending plan.

NOW THEREFORE BE IT RESOLVED that the Housing Element and Fair Share Plan submitted by the Borough of Collingswood comports to the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.2(a), after having reviewed and considered all of the above, COAH hereby grants third round substantive certification to the Borough of Collingswood; and

BE IT FURTHER RESOLVED that after receiving final substantive certification, pursuant to N.J.A.C. 5:96-6.3(e), the Borough of Collingswood shall adopt all implementing Fair Share Ordinances within 45 days of this grant of substantive certification; and

BE IT FURTHER RESOLVED if the Borough fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that, in the event Collingswood does collect development fees, the Borough must obtain COAH approval of a spending plan.

BE IT FURTHER RESOLVED that Collingswood shall submit all Fair Share Ordinances to COAH upon adoption; and

BE IT FURTHER RESOLVED that Collingswood shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the Borough's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of Collingswood's Housing Element and Fair Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in Collingswood and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or

greater, the Borough is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4 or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, then the Council may direct the municipality to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, Collingswood shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), Collingswood's substantive certification shall remain in effect until December 30, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of the Borough of Collingswood to provide for the realistic opportunity of its fair share of low- and moderate-income housing and which the Borough fails to remedy, may render this certification null and void.

I hereby certify that this resolution was
duly adopted by the Council on Affordable
Housing at its public meeting on September 9, 2009

A handwritten signature in black ink, reading "Reneé Reiss". The signature is fluid and cursive, with the first name "Reneé" and last name "Reiss" clearly distinguishable.

Reneé Reiss, Secretary
Council on Affordable Housing



***Council on Affordable Housing
Compliance Report
August 25, 2009***



Municipality: *Collingswood Borough*
County: *Camden County*

COAH Region: # 5
Planning Area: *PA1*
Special Resource Area: *None*

Housing Element and Fair Share Plan Adopted: *December 16, 2008*
Petition for 3rd Round Substantive Certification: *December 30, 2009*
Completeness Determination: *April 13, 2009*
Date of Publication: *April 13, 2009 (Courier Post)*

Objections Received: No

Petition Includes:

VLA: No

GPA: No

Waiver: No

Section: N.J.A.C.: N/A

Date of Site Visit: *September 1, 2009*

History of Approvals:

	COAH	JOC	N/A
First Round:			<i>x</i>
Second Round:	<i>5/01/96</i>		
Extended Certification:	<i>2/09/05</i>		

Plan Preparer: *Shirley Bishop, P.P.*

Municipal Housing Liaison: *Bradford Stokes*

Recommendation: Grant Substantive Certification

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	105
Prior Round Obligation	0
Projected Growth Share Obligation	45

ACTUAL GROWTH and GROWTH SHARE through September, 2008¹

Res Units (#)	Actual Res Growth Share	Jobs (#)	Actual Non-Res Growth Share	Actual TOTAL Growth Share
3	1 unit	41	3 units	4 units

COMPLIANCE PLAN SUMMARY

Obligation	Credit/ Mechanism Type	# Units Completed	# Units Proposed	TOTAL
Rehabilitation: 105 units				
Credits	Post-April 1, 2000	39		39
Program(s)	County/Municipal		66	66
Rehabilitation Subtotal				105
NEW CONSTRUCTION:				
Prior Round: 0 unit				
Prior Round Subtotal				0
Growth Share: 45 units				
Credits	Post-1986	2		2
Proposed Mechanism	Redevelopment		33	33
Growth Share Bonuses	Redevelopment		10	10
Growth Share Subtotal				45

I. HOUSING ELEMENT

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis

¹ This growth share number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.4; therefore, the actual growth share may vary.

must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the municipality that are most appropriate to accommodate such housing. Collingswood's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth the municipality's affordable housing fair share obligation, which is the sum of the rehabilitation share, the prior round obligation and the growth share.

A. Rehabilitation Share

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, Collingswood has a rehabilitation share of 105 units.

B. Prior Round Obligation

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. Collingswood has no prior round obligation.

C. Projected Growth Share

The projected growth share is initially calculated based on household (residential) and employment (non-residential) 2004-2018 projections. Pursuant to Appendix F of N.J.A.C. 5:97, Collingswood has a residential projection of 115 units and a non-residential projection of 351 jobs, which results in an initial projected growth share obligation of 45 affordable units. Collingswood's total projected growth share for the period 1999-2018 is 45 affordable units consisting of a 23-unit projected residential

growth share and a 22-unit projected non-residential growth share.²

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	105
Prior Round Obligation	0
Projected Growth Share Obligation	45

II. FAIR SHARE PLAN

A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address a municipality's rehabilitation share, prior round obligation, and growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

Collingswood's Fair Share Plan and the supporting documentation incorporated by reference therein address the requirements of N.J.A.C. 5:97-3.1 as follows:

A. Plan to Address Rehabilitation Share

Rehabilitation Share Credits

Collingswood is requesting credit for 39 units rehabilitated subsequent to April 1, 2000. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

² Pursuant to N.J.A.C. 5:97-2.2(d), Collingswood's residential projection of 115 is divided by 5 to yield 23 units and the non-residential projection of 351 jobs is divided by 16 to yield 22 units. Collingswood's total projected growth share is therefore 45 units (*res* 23 + *non-res* 22).

Rehabilitation Credits

Rehabilitation Program	# Credits
Camden County Rehab Program	39
TOTAL	39

Proposed Rehabilitation Program

Camden County Rehabilitation Program

Collingswood proposes to utilize the Camden County Community Development program to address the remaining 66 units of its 105-unit rehabilitation obligation. Collingswood proposes to rehabilitate six to seven homes each year until it satisfies the rehabilitation obligation. Collingswood also participates in the Neighborhood Preservation Program (NPP) through the New Jersey Department of Community Affairs and the HOME Program that is administered in-house. On December 29, 2008, the Borough adopted a resolution of intent to bond in the event of a shortfall in funding in any part of the affordable housing program.

The County program currently rehabilitates only owner-occupied units. The Borough proposes to use its NPP program to provide for rental rehabilitation units. The Borough has an “in-house” administrative agent and has provided a draft rental rehabilitation manual for COAH’s review.

Proposed Rehabilitation Program

Rehabilitation Program	# Units
Camden County Rehab Program	66
TOTAL	66

B. Plan to Address Prior Round Obligation

Prior Round Obligation Credits

Collingswood has no prior round obligation.

C. Plan to Address Projected Growth Share

Growth Share Obligation Credits

Collingswood is addressing two units of the projected growth share obligation with two units of credit from the HEO, Inc. program. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Post-1986 Credits

Project/Development Name	Year Built or Approved	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
HEO, Inc.	2008	Family sales	2			2
TOTALS			2			2

Proposed Affordable Housing Mechanisms

Collingswood proposes to address the remaining 43-unit growth share obligation through the following mechanisms:

Collingswood Transit-Oriented Development and Redevelopment

Collingswood will utilize inclusionary development within the Collingswood Transit Oriented Development (TOD)/Collingswood Transit Village Redevelopment Area to produce 33 units and 10 redevelopment bonuses to satisfy the remainder of its projected growth share obligation. Six (6) of the units will be designated for very low income family households to meet the Borough's very low income obligation. All property within the Collingswood Station Transit Village has been designated "an area in need of redevelopment" pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. In 2003, the NJDOT designated Collingswood as a Transit Village. P.L. 2008, c. 46 (aka A500) requires developers of transit village areas, financed in whole or part

with State funds, to reserve at least 20 percent of the residential units constructed for low- and moderate-income households, with affordability controls which meet COAH requirements, unless the municipality has received substantive certification from the council and the reservation is not required under the approved affordable housing plan. The actual redevelopment plan (projected for 2013) will specify the number of market units projected for the area. If the number of market units exceeds 132 units, the number of affordable units will have to be adjusted to address the actual growth share obligation generated by the development.

The Collingswood Station Transit Village is approximately 9.1 acres, 7.6 acres of which are owned by the Delaware River Port Authority (DRPA). Current uses of the DRPA-owned property are the PATCO Station and a parking lot. The remaining land in the redevelopment area consists of several commercial, retail and office uses. The station is located one block south of the intersection of Haddon Ave. (County Route 561) and Billson Avenue in the heart of Collingswood.

Pursuant to N.J.A.C. 5:97-3.2(a)4, the Borough has provided an implementation schedule that sets forth a detailed timetable that demonstrates a realistic opportunity as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.7. The Borough's mechanism checklist form includes a timetable for each step of the development process in accordance with N.J.A.C. 5:97-6.6(e), with construction starting in 2014, requiring that supporting documentation be submitted to COAH in 2012 or two years in advance of that date.

Proposed Growth Share Affordable Housing Mechanisms

Type/Name of Affordable Housing Mechanism	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
TOD Redevelopment	Family rental	33	Redevel.	10	43
TOTALS		33		10	43

Growth Share Parameters

Collingswood has satisfied the applicable Growth Share parameters as follows:

Growth Share Rental Obligation:³ 12 Units

Development/Project Name	Type of Affordable Unit	# Units
TOD Redevelopment	Family rental	33
TOTAL		33

Growth Share Family Rental Requirement⁴ : 6 Units

Development/Project Name	Type of Affordable Unit	# Units
TOD Redevelopment	Family rental	33
TOTAL		33

Growth Share Minimum Family Requirement⁵ : 18 Units

Development/Project Name	Type of Affordable Unit	# Units
TOD Redevelopment	Family rental	33
HEO, Inc.	Family sales	2
TOTAL		35

³ Projected Growth Share Rental Obligation: .25(Projected Growth Share) or .25(45)= 12 units N.J.A.C. 5:97-3.10(b)3

⁴ Projected Growth Share Family Rental Requirement: .5(Projected Growth Share Rental Requirement) or .5(12)= 6 units N.J.A.C. 5:97-3.4(b)

⁵ Projected Growth Share Family Requirement: .5(Units Addressing the Growth Share Obligation) or .5(35)= 18 units N.J.A.C. 5:97-3.9

Very Low Income Minimum Requirement⁶ : 5 Units

Development/Project Name	Type of Affordable Unit	# Units
TOD Redevelopment	Family rental	5
TOTAL		5

Bonus Maximum⁷: 12 Bonuses

Development/Project Name	Type of Bonus	# Bonuses
TOD Redevelopment	Redevelopment	10
TOTAL		10

Actual Growth Share Obligation

The actual growth share obligation will be based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units constructed.

The New Jersey Department of Community Affairs (NJ DCA) *Construction Reporter* indicates that between January 1, 2004 and September 2008, Collingswood issued certificates of occupancy for three housing units and for the non-residential square footage equivalent of 41 jobs, yielding an actual growth share obligation through September 30, 2008, of four affordable units.⁸

⁶ Growth Share Very Low Income Requirement: .13(growth share less bonuses addressing growth share) or .13(45-10) or .13(35)= 5 units pursuant to P.L.2008, c.46.

⁷ Projected Bonus Maximum: .25(Projected Growth Share) or .25(45)= 12 units N.J.A.C. 5:97-3.20

⁸ The number of residential COs (3) is initially divided by 5 to yield 1 unit and the number of jobs (41) is initially divided by 16 to yield 3 units. Collingswood's total actual growth share is therefore 4 units (*res-- 1 + non-res-- 3*). Note: This number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.4; therefore, the actual growth share may vary.

D. Summary of Plan to Address Fair Share Obligation

REHABILITATION SHARE SUMMARY

Rehabilitation Share: 105 Units

Program Name	Credits	Proposed	Total
<i>Camden County, NPP and HOME Rehab Programs</i>	39	66	105
TOTAL			105

PRIOR ROUND SUMMARY

Prior Round Obligation: 0 Units

GROWTH SHARE SUMMARY

Projected Growth Share Obligation: 45 Units

	Name of Mechanism	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Post-1986 Credits	HEO, Inc.	2			2
Subtotal		2			2
Proposed Mechanisms	TOD Redevelopment	33	Redevelopment	10	33
Subtotal		33		10	45
TOTAL					45

III. FAIR SHARE DOCUMENT REVIEW

A. Development Fee Ordinance

Collingswood submitted a draft development fee ordinance for COAH's review and approval with its third round petition. COAH approved the development fee ordinance on March 26, 2009.

B. Third Round Spending Plan

A third round spending plan was submitted by Collingswood with the Borough's third round petition for COAH's review and approval. The spending plan will be reviewed by COAH in a separate report.

C. Affordable Housing Ordinance/Affordable Housing Administration

Collingswood has submitted a draft affordable housing ordinance that comports with the requirements of the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 *et seq.*, which was amended on December 20, 2004. The draft proposed ordinance has been amended to include the compliance with the barrier free subcode of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 *et seq.*) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The draft ordinance must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption

Collingswood's governing body adopted a Municipal Housing Liaison Ordinance (Ordinance #1407) on July 3, 2006. On August 7, 2006, the governing body adopted Resolution #06-161, appointing Bradford C. Stokes as the Municipal Housing Liaison for the administration of the affordable housing program.

Collingswood is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the Borough. On June 6, 2006, the Borough approved a contract with HAS to serve as the administrative agent for all affordable units (except for rental rehabilitation). Pursuant to N.J.A.C. 5:80-26.14(b), Collingswood has submitted a written operating manual for administering affordable units within the Borough.

D. Affirmative Marketing Plan

Collingswood has submitted a draft affirmative marketing plan that comports with the requirements of the UHAC and ensures the units in the Borough's 1987-2018 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by the Borough within 45 days of COAH's grant of substantive certification and submitted to COAH.

IV. MONITORING

Collingswood must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the municipality's actual growth pursuant to N.J.A.C. 5:97-2.5. As indicated above, credits for built units will be validated and verified by COAH staff during monitoring prior to the first biennial plan evaluation. It should be noted that credits for affordable housing programs and/or affordable units must be in compliance with N.J.A.C. 5:97-4. If the units are determined not to be eligible for credit, COAH will notify Collingswood in writing and the Borough may be directed to amend its certified plan to address the shortfall.

Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of Collingswood's Housing Element and Fair Share Plan. The purpose of the plan evaluation is to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in Collingswood and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or greater, or Collingswood is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97- 3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable

housing, the Council may direct the municipality to amend its plan to address the shortfall.

V. RECOMMENDATION

COAH staff recommends that Collingswood be granted third round substantive certification. Collingswood must adopt all necessary implementing ordinances within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH within seven days of the adoption.